



City of Seattle

**Department of Planning & Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3012441  
**Applicant Name:** Sean Ludviksen, Hewitt Architects, for HB 4<sup>th</sup> & Denny, LLC  
**Address of Proposal:** 2720 4<sup>th</sup> Avenue

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 14-story structure containing 161 residential units over 6,100 sq. ft. of retail/commercial use at grade. Parking for 114 vehicles will be provided within four below grade levels. Project will require excavation of approximately 21,000 cu. yds. of earth.

The following approvals are required:

**SEPA Environmental Determination** – Chapter 25.05 SMC.

**Design Review** – Chapter 23.41 Seattle Municipal Code (SMC)

**Design Departures Granted:**

- 1) SMC 23.49.018, reduction of minimum canopy width along Denny Way from 8' required to 6' to accommodate street trees and sidewalk width.
- 2) SMC 23.49.164, exceedance of maximum building façade width above 65'.

**SEPA Determination:**    ☐ Exempt    ☐ DNS    ☐ MDNS    ☐ EIS

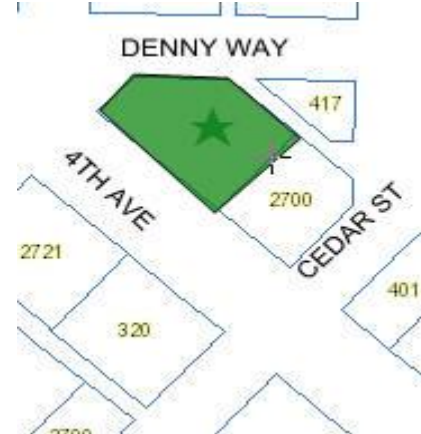
☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

## **BACKGROUND INFORMATION:**

The 13,795 square foot Downtown development site is pentagon-shaped, and is bounded by Denny Street and an alley to the north, 4<sup>th</sup> Avenue on the south and the west, and a condominium building to the east. Currently existing on the development site is a surface parking lot that is used to park vehicles associated with the KOMO news operation at Fisher Plaza across Denny Street to the north. The subject site is predominantly flat.

Parking for the proposed new development will be located below grade and will be accessed from the alley. Both Fourth Avenue and Denny Street are principal transit streets.



The site and the surrounding properties south of Denny Street are zoned DMR/R-125/'65'. Across Denny to the north, the zoning changes to Seattle Mixed with a height limit of 85'. The area exhibits a variety of older and newer buildings, with both commercial and residential uses dominating the area. Across 4<sup>th</sup> Avenue are two residential structures, one consisting of three stories, and one consisting of five stories. Across Denny Way to the north is the Fisher Broadcasting Plaza, a development which consists of two substantial commercial buildings that fill the entire block. A 6-story retail condominium building known as 2700 4<sup>th</sup> Avenue is located adjacent to and directly south of the project site.

The immediate Belltown neighborhood is a mixture of important older historic buildings and newer buildings. The public area along 4<sup>th</sup> Avenue sports a rich canopy of mature oak trees. The site is just south and west of Tillicum Place, a recognizable and established urban node dating from the earlier twentieth century with small retail shops and restaurants mature street trees, and a landmarked statue of Chief Seattle. The project site lies within a pedestrian-friendly enclave that is only a short distance from Denny Park and many of the Seattle Center's main attractions, including the Pacific Science Center, the Space Needle, the Experience Music Project, and the Dale Chihuly Glass Exhibition pavilion and garden now under construction.

The residential portion of the 13-story proposed structure would consist of 167 units. Although there is no requirement for it, parking for 89 vehicles would be available in below-grade parking. A ground floor would provide a residential entry lobby as well as some 6,100 sq. ft. of retail uses.

## **Public Comments**

Public comment was invited at the initial Master Use Permit application, at the Early Design Guidance public meeting, and at the two Design Review Board public meetings. Comments from the Design meetings are noted within the Design Review process summaries which follow below. No other written comments were received.

## **ANALYSIS – DESIGN REVIEW**

### **Early Design Guidance Meeting, August 9, 2011**

#### **ARCHITECT’S PRESENTATION**

The Board chair opened the meeting at 5:30. The project description, the Board chair explained, was for a 13-story residential tower above at-grade retail space, and the Board’s role was to offer Early Design Guidance for the proposed development.

David Hewitt of Hewitt Architects made the presentation for the design team, noting the rich opportunities offered by the site. The first scheme (A) was said to allow for a more regular building geometry and regularity of unit shapes. The massing, stepped on each of the building facades, provided for more relief from Denny Way and the Fisher Communication buildings across that street. Distant views to Lake Union and Elliott Bay were maximized and the scheme provided for more ground-level outdoor space along Denny Way.

Scheme B allowed for a strong architectural expression at the intersection of 4<sup>th</sup> Avenue and Denny Way and facilitated uniquely-shaped units that could produce a diversity in unit types. Those along Denny Way could be oriented away from looking directly into Fisher Plaza.

Scheme C blended the regular unit quality of the first scheme with the uniqueness in design of Scheme B while maintaining a well-defined street edge along Denny Way.

The site design for any of the alternative schemes would address the two street frontages (Denny Way and 4<sup>th</sup> Avenue) in two distinct treatments. The treatment along 4<sup>th</sup> Avenue would retain the mature street trees and improve their condition by expanding the tree pit openings and would provide ground cover adjacent to the trees. On Denny Way the existing street trees would be replaced with more robust specimens and with a continuous planted buffer to provide greater comfort for pedestrians traversing the sidewalk paralleling the high volume traffic path. Where the two streets meet, the existing maple trees would remain with the at-grade retail façade set back from the property line to allow for a broadened landscape area along this edge.

#### **Public Comment**

Approximately ten members of the public attended this Early Design Guidance meeting. The following comments, issues, and concerns were raised:

- Stated that corrugated metal siding should be eschewed as a cladding material and that highly reflective glass in storefronts, diminishing transparency into the interiors of the building, was just as bad as a blank wall.
- Encouraged activation of the alley by treating it as more than just a utilitarian and functional space; something like a café on the alley was also encouraged.
- Concerned with the potential for graffiti in the area.
- Encouraged providing ample parking spaces so spaces could be leased to those living and working nearby who were without parking.
- Retail spaces should not be too small.

- Use of large stones as part of landscaping palette was discouraged since gathering such materials and using them to break glass storefronts was viewed as a problem.
- Overhead weather protection welcomed.
- Preserve the existing quality of light in the alley.

### **Recommendation Meeting #1, November 8, 2011**

#### **ARCHITECT'S PRESENTATION**

The Board chair opened the meeting at 5:30.

David Hewitt of Hewitt Architects made the presentation to the Board on behalf of the Design Team. The proposed mixed-use structure was described to be comprised of ground level retail (6,092) sq. ft. set atop three floors of below grade parking to accommodate 89 vehicles, with 13 floors of residential units (totaling 167 units) above.

It was noted that the proposal borrowed from the existing neighborhood character and existing color palette of the immediate area, continuing the base retail level rendered in dark-framed fenestration topped with transom windows and canopies. It was also noted that the neighborhood showed a broad diversity in architectural character and detail due to contrast in scale from a broad spectrum of architectural periods. Tillicum Place was marked by smaller structures dating from the turn of the twentieth century into the 1920s, while the Seattle Center structures and elevated monorail dated from the 1960s. There was also a mixture of relatively contemporary structures, such as the large Fisher Plaza directly across Denny Way from the development site.

#### **Public Comment**

Two members of the public attended the initial recommendation meeting. Public comment elicited by the Board complimented the design team on the overall design and on concerns raised by the public and Board at the EDG meeting. It was noted that the proposed design had responded well to concerns regarding materiality of the structure, concerns of safety and respect for neighborhood context.

### **Recommendation Meeting #2, December 13, 2011**

#### **ARCHITECT'S PRESENTATION**

The applicant returned to present the project to the Board as a new departure was identified through further zoning review after the initial recommendation meeting. The proposed departure was for a 20' area near the north portion of the building. The departure would allow the upper stories of the corner element to be connected to the rest of the building. Without the departure, a 20' separation would be required between the upper portions of the building. This would require a second elevator, and the applicant would be unlikely to construct such a building. Therefore, without the departure, the applicant would reduce the building width and modulation at the upper stories.

## **Public Comment**

One member of the public arrived after the recommendation meeting was concluded, but the Board, the applicant, and DPD stayed to answer questions. The individual had questions about the window locations, the start of construction, and vehicular access.

## **DESIGN GUIDELINES AND RECOMMENDATION**

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design those guidelines found in the City of Seattle's *Design Review: Guidelines for Downtown Development* which are to be considered of highest priority for this project. In addition, guidelines which are to be considered of highest priority for the project were cited from *Design Guidelines for the Belltown Urban Center Village* where applicable.

### ***A-1 Respond to the Physical Environment***

***Develop and architectural concept and compose the building's massing in response to geographic conditions and patterns of urban form found beyond the immediate context of the building site.***

**At the Early Design Guidance meeting:** the Board agreed with the applicants' choice of this guideline as one of the highest priority for the success of the project, noting the high visibility of any development on the site.

**Initial Recommendation meeting:** the site is in a transitional area comprised of varying building scales and at a neighborhood boundary. The lower levels of the proposed building form distinct street facades while the upper levels are oriented to respond to multi-directional views available to the units. The Board, in turn, acknowledged the wisdom of treating the separate facades (including the alley) as separate challenges in need of separate solutions.

**Final Recommendation meeting:** The Board reiterated their recommendations from the Initial Recommendation meeting. The proposal meets this guideline.

### ***A-2 Enhance the Skyline***

***Design the upper portion of the building to promote visual interest and variety the downtown skyline.***

**At the Early Design Guidance meeting** the Board noted that the site sat at the edge of a transition zone, both literally as a land use designation and as a neighborhood designation, and emphasized that the transition needed to be reflected especially in the upper facades.

**Initial Recommendation meeting:** The upper building mass provides transitions between two multi-story vertical bays at the alley and at the corner of 4<sup>th</sup> & Denny. Although segments of the building maintain a rectilinear relationship with the skewed grid south of Denny Way, the board thought that the chosen massing imparted a pleasing dynamic quality and vibrancy to the upper portions of the structure where it met Denny Way and the transition to a completely new grid.

**Final Recommendation meeting:** The Board reiterated their recommendations from the Initial Recommendation meeting. The proposal meets this guideline.

***B-1 Respond to the neighborhood context.***

***Develop an architectural concept and compose the major building elements to reinforce desirable urban features existing in the surrounding neighborhood.***

**At the Early Design Guidance meeting:** the Board noted the proximity to Tillicum Place and briefly discussed the importance of cognizance of that fact without going into detail about how that proximity should impact actual design choices that were to be made as design development took place.

**Initial Recommendation meeting:** Like structures within the neighborhood, the proposal makes an architectural gesture from its own time. The massing continues the form and scale of neighboring residential buildings while the ground level retail makes strong connections to the sidewalk and public realm. The Board agreed that the proposed structure was a thoroughly modern building that fit into the specific context because of the gestural moves in the overall massing and in the details of the various facades at the pedestrian scale.

**Final Recommendation meeting:** The Board reiterated their recommendations from the Initial Recommendation meeting. The proposal meets this guideline.

***B-2 Create a Transition in Bulk & Scale***

***Compose the massing of the building to create a transition to the height, bulk and scale of the development of nearby less intensive zones.***

**At the Early Design Guidance meeting:** the Board once again emphasized the notion that the site stood at the edge of a zone shift.

**Initial Recommendation meeting:** The proposal acknowledges the form of existing residential structures to the south by extending a horizontal datum line at the 6-foot mark and responds to the fine-grained scale of structures surrounding Tillicum Place via façade projection steps in the building mass. The Board acknowledged the success of the design to provide a transition at the intersection of these various zones.

**Final Recommendation meeting:** The Board reiterated their recommendations from the Initial Recommendation meeting. The proposal meets this guideline.

***B-3 Reinforce the Positive Urban Form and Architectural Attributes of the Immediate Area****Consider the predominant attributes of the immediate neighborhood and reinforce desirable siting patterns, massing arrangements, and streetscape characteristics of nearby development.*

**At the Early Design Guidance meeting:** One of the characteristics of nearby older development is a sense of intimacy that structures have with the street and the pedestrian realm; store fronts should avoid display of a generic relationship to the public realm at street level.

**Initial Recommendation Meeting:** Retail frontage will continue the street frontage into the alley. AT ground level the structural columns are proud of the building skin. Retail entries are recessed. Window mullions and canopy coverage define a pedestrian scale. While not facing directly into Tillicum Place, the proposed structure successfully relates to its sidewalk and retail level to the smaller scale of buildings constructed in 1900 and in the 1920s.

**Final Recommendation meeting:** The Board reiterated their recommendations from the Initial Recommendation meeting. The proposal meets this guideline.

***B-4 Design a Well-proportioned & Unified Building.***

*Compose the massing and organize the publicly accessible interior and exterior spaces to create a well-proportioned building that exhibits a coherent architectural concept. Design the architectural elements and finish details to create a unified building, so that all components appear integral to the whole.*

**At the Early Design Guidance meeting:** This was identified as a guideline of highest priority by both the applicant and the Board.

**Initial Recommendation meeting:** The building's massing is organized along each of the facades to respond to the various contexts. It steps down along the alley, reducing the scale of the building to respond to the smaller scale structures of Tillicum Place. While making important gestures to the complexity of the neighborhood context, the proposed building, in the Board's estimation, had acquired a strong, unified, and forceful identity of its own.

**Final Recommendation meeting:** The Board reiterated their recommendations from the Initial Recommendation meeting. The proposal meets this guideline.

***C-1 Promote Pedestrian Interaction.***

*Spaces for street level uses should be designed to engage pedestrians with the activities occurring within them. Sidewalk-related spaces should be open to the general public and appear safe and welcoming.*

**At the Early Design Guidance meeting:** Echoing some of the remarks of members of the public, members of the Board discussed the potential negative impacts of hiding spots behind the columns and the recesses inviting unsavory and unwanted uses.

**Initial Recommendation meeting:** Columns shown at the EDG meeting have been eliminated to enhance safety and pedestrian activity. The Board was agreed that the design team had created a welcoming pedestrian environment around the building and that steps had been taken to make it a safer environment in terms of the responses made to the EDG guidance.

**Final Recommendation meeting:** The Board reiterated their recommendations from the Initial Recommendation meeting. The proposal meets this guideline.

***C-3 Provide Active—Not Blank—Facades.***

***Buildings should not have large blank walls facing the street, especially near sidewalks.***

**At the Early Design Guidance meeting:** In choosing this as a guideline of highest importance the Board referred to the remark by a member of the public stating that a storefront window of highly reflective glass could create a negative experience equal to that of a blank wall along a façade.

**Initial Recommendation meeting:** Building has high degree of ground-level transparency, with clear glass and reflections minimized by overhead shading. The Board acknowledged the clarifications made by the design team to address concerns of safety connected to this guideline.

**Final Recommendation meeting:** The Board reiterated their recommendations from the Initial Recommendation meeting. The proposal meets this guideline.

***C-4 Reinforce Building Entries.***

***To promote pedestrian comfort, safety, and orientation, reinforces the building's entry.***

**At the Early Design Guidance meeting:** This was elected as a guideline of highest priority but without further specificity on the part of Board members.

**Initial Recommendation meeting:** Façade is recessed and entry canopy is elevated above surrounding weather protection. The board acknowledged gestures undertaken by the design team to address this concern.

**Final Recommendation meeting:** The Board reiterated their recommendations from the Initial Recommendation meeting. The proposal meets this guideline.

***C-5 Encourage Overhead Weather Protection.***

***Encourage project applicants to provide continuous, well-lit, overhead weather protection to improve pedestrian comfort and safety along major pedestrian routes.***

**At the Early Design Guidance meeting:** The correct integration of pedestrian pathways recessed beneath upper portions of the structure and canopies or other forms of overhead weather protection along the various street fronts was regarded by the Board as “critical” to the success of the project and achieving the goals of establishing an inviting, comfortable and safe pedestrian environment.



**Initial Recommendation meeting:** Overhead weather protection is planned along the full extent of the 4<sup>th</sup> Avenue and Denny Way facades. The building is set back +/-5 feet from the Clay Street “terminus” property line.

**Final Recommendation meeting:** The Board reiterated their recommendations from the Initial Recommendation meeting. The proposal meets this guideline.

***C-6 Develop the Alley Façade.***

***To increase pedestrian safety, comfort and interest, develop portions of the alley façade in response to the unique conditions of the site or project.***

**At the Early Design Guidance meeting:** The alley should in this instance be considered a special place and, among other considerations, future design development should explore whether the parking entrance/exit should be the only “opening,” conceptual or actual, onto the alley.

**Initial Recommendation meeting:** The transparent retail storefront turns the corner at the alley to activate the alley and provide visual access into the space for both pedestrians and drivers coming along Denny Way. Building-mounted lighting fixtures will extend along gate alley façade of the structure.

The Board discussed at some length the design proposal for the alley façade. In the final analysis, if the alley were a special place, it wasn't that special of a special place. It might be different if the alley faced directly onto Tillicum Place, but the actual relationship was more oblique. The design presented offered several gestures that had responded to the Early Design Guidance—lighting along the faces, substantial materials at the pedestrian level, wrapping the retail opening around the alley from Denny Way. At discussion's end, it was determined that the building needed a “back of house,” and it was agreed that the gestures proposed would make it more than just another alley façade.

**Final Recommendation meeting:** The Board reiterated their recommendations from the Initial Recommendation meeting. The proposal meets this guideline.

***D-2 Enhance the Building with landscaping.***

***Enhance the building and site with substantial landscaping, which includes special pavements, trellises, screen walls, planters, and site furniture, as well as living plant material.***

**At the Early Design Guidance meeting:** Both the enhancement of the existing 4<sup>th</sup> Avenue tree canopy area and the establishment of a buffer between pedestrians and vehicles along Denny Way were affirmed by the Board as significant and positive moves.

**Initial Recommendation meeting:** Street frontage landscaping responds specifically to the environment and existing conditions of the street fronts. 4<sup>th</sup> Avenue treatments will preserve and celebrate the existing street trees. The existing trees along Denny Way will be replaced with new trees and continuous tree beds along the curb lines. The large curb bulb, with existing mature trees, will be enhanced with taller landscaping and refinements to strengthen the transition onto Denny Way.

The existing plantings in the right-of-way abutting the space, especially on 4<sup>th</sup> Avenue (and across 4<sup>th</sup> Avenue from the site) already made the site particularly attractive and the Board agreed that plans for preserving and enhancing the natural assets of the site were compelling and commendable.

**Final Recommendation meeting:** The Board reiterated their recommendations from the Initial Recommendation meeting. The proposal meets this guideline.

***D-3 Provide elements that define the place***

***Provide special elements on the facades, within public open spaces, or on the sidewalk to create a distinct, attractive and memorable “sense of place” associated with the building.***

**At the Early design Guidance meeting:** The board noted that an outstanding example of the successful interplay of private and public realms was less than a block away at Tillicum Place and might prove a valuable model for the successful creation of ground-level amenity areas at this site.

**Initial Recommendation meeting:** The residential entry and lobby are highlighted by a faced indentation, framed by the trunks of two of the mature street trees that will remain in place. Pedestrians will have opportunities to walk close to the building façade along Denny Way and away from the curb and high-volume traffic. A “shortcut” sidewalk will be provided south of the re-planted curb bulb. The board was satisfied that what was proposed for the site would produce a distinctive place.

**Final Recommendation meeting:** The Board reiterated their recommendations from the Initial Recommendation meeting. The proposal meets this guideline.

***D-5 Provide Adequate Lighting.***

***To promote a sense of security for people downtown during nighttime hours, provide appropriate levels of lighting on the building façade, on the underside of overhead weather protection, on and around street furniture, in merchandising display windows, and on signage.***

**At the Early Design Guidance meeting:** referring to both public comments and observations by various Board members, the Board emphasized the priority that should be given to guidelines D5 and D-6, with particular scrutiny to be given to recesses and voids in the ground level facades and to areas that might be hidden behind columns. D-4 was also listed as a priority without much guidance given.

**Initial Recommendation meeting:** Signage will consist of blade signs below the canopies as well as window signs for retail tenants. Under-canopy lighting will illuminate sidewalk surfaces and provide a sense of security. Building-mounted lighting will be provided along the alley. The board was satisfied that the provisions for the retail frontages along Denny Way and 4<sup>th</sup> Avenue and residential entry on 4<sup>th</sup> Avenue would make for a successful project. See under c-6 above for comments regarding discussions of alley façade improvements.

**Final Recommendation meeting:** The Board reiterated their recommendations from the Initial Recommendation meeting. The proposal meets this guideline.

***D-6 Design for Personal Safety and Security.***

***Design the building and site to enhance the real and perceived feeling of personal safety and security in the immediate area.***

Guidance and Recommendations reflect those in response to D-5.

***E-1 Minimize Curb Cut Impacts.***

***Minimize adverse impacts of curb cuts on the safety and comfort of pedestrians.***

***E-2 Integrate Parking Facilities.***

***Minimize the visual impact of parking by integrating parking facilities with surrounding development. Incorporate architectural treatments or suitable landscaping to provide for the safety and comfort of people using the facility as well as those walking by.***

***E-3 Minimize the Presence of Service Areas.***

***Locate service areas for trash dumpsters, loading docks, mechanical equipment and the like away from the street where possible. Screen from view those elements which for programmatic reasons cannot be located away from the street front.***

**At the Early Design Guidance meeting:** The Board acknowledged that the design team appeared to be headed in the right direction regarding Guidelines E-1 through E-3 in dealing with the impacts of parking and necessary service functions. Additionally, they referred to earlier comments from both the public and the board regarding potentials for special development the alley offered to the site.

**Initial Recommendation meeting:** Alley-level face of the structure would be attractive, solid materials. Building-mounted lighting will be provided along the alley. Treatment of openings would respect the relationship to nearby Tillicum lace. See more guidance and recommendation under C-6 above.

**Final Recommendation meeting:** The Board reiterated their recommendations from the Initial Recommendation meeting. The proposal meets this guideline.

**Development Standard Departures**

The board's recommendation on the requested departures was based upon the departure's potential to help the project better meet the design guideline priorities and achieve a better overall design than could be achieved without the departures.

1. Overhead weather protection and lighting (23.49.018): The Code requires a minimum overhead canopy depth of 8 feet. The applicant proposes to reduce the overhead canopy on the Denny Way frontage to a depth of 6 feet. This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-1, C-1, and D-2, by allowing new street trees with proper canopy clearance, which will buffer the sidewalk from the traffic. The board unanimously recommended that DPD grant the departure.

2. Structure width, depth, and separation requirements (23.49.164): The Code requires a maximum building width of 90' for structures taller than 65' and located on Avenues. The applicant proposes a structure width of 129' on 4<sup>th</sup> Avenue, with 20' deep modulation separating the upper story 90' wide façade from the upper story 39' wide façade on 4<sup>th</sup> Avenue. The departure would provide an overall design that would better meet the intent of Design Guidelines A-1, A-2, B-2, and B-4 by providing an interesting corner element at Denny Way and 4<sup>th</sup> Avenue, by responding to the context of nearby building heights, and by providing a cohesive design for the building on this unusually shaped site. The Board unanimously recommended that DPD grant this departure.

## **DECISION – DESIGN REVIEW**

After considering the proposed design and design solutions presented in relation to previously prioritized design guidelines and after having heard public comments on the project's design, the three Design Review Board members present unanimously **recommended approval** of the subject design and unanimously **recommended approval** of the requested development standard departures from the requirements of the Land Use Code (listed above), without any conditions.

The Director of DPD has reviewed the recommendations of the three Design Board members present at the final Design Review recommendation meeting and finds that the Board acted within its authority and the Board's recommendations are consistent with the *City of Seattle Design Review: Guidelines for Downtown Development* and do not conflict with regulatory requirements.

Therefore, the proposed design is **APPROVED** as presented at the November 8, 2011 and December 13, 2011 Design Review Board meetings.

## **ANALYSIS – SEPA**

This analysis relies on the *Environmental (SEPA) Checklist* for the proposed development submitted by the applicant on September 21, 2011, and revised on January 10, 2012, which discloses the potential impacts from this project. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: “*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,*” subject to some limitations. Under specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation). A detailed discussion of some of the specific elements of the environment and potential impacts is appropriate.

#### Short-Term Impacts—Construction Related Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

Most short-term impacts are expected to be minor. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with air quality, noise, and construction traffic warrant further discussion.

#### Air Quality

The applicant will take the following precautions to reduce or control emissions or other air impacts during construction:

- *During demolition, excavation and construction, debris and exposed areas will be sprinkled as necessary to control dust and truck loads and routes will be monitored to minimize dust-related impacts. Due to the small size of the site, an on-site truck wash and quarry spall may not be necessary or appropriate as the applicant may use “scoop and dump” excavation. This would entail using an excavator tractor to move excavated material to trucks queued along the street. If scoop and dump excavation is used, then a truck wash and quarry spall will not be required.*

- *Using well-maintained equipment and avoiding prolonged periods of vehicle idling will reduce emissions from construction equipment and construction-related trucks.*
- *Using electrically operated small tools in place of gas powered small tools wherever feasible.*
- *Trucking building materials to and from the project site will be scheduled and coordinated to minimize congestion during peak travel times associated with adjacent roadways.*

These and other construction and noise management techniques shall be included in the Construction Impact/ Noise Impact Management Plan to be submitted for approval prior to issuance of construction permits.

### Noise

The project is expected to generate loud noise during demolition, grading and construction. Compliance with the Noise Ordinance (SMC 25.08) is required and will limit the use of loud equipment registering 60 dBA (not including construction equipment exceptions in SMC 25.08.425) or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD. Construction noise is within the parameters of SMC 25.05.675.L, which states that the Noise Ordinance provides sufficient mitigation for most noise impacts. Any need to address specific additional noise restrictions because of particularly sensitive sites nearby will be addressed in the Construction Impact/Noise Impact Management Plan to be approved by DPD and SDOT prior to issuance of any construction permits.

### Traffic and Circulation

Site preparation would involve removal of the existing asphalt pavement and excavation for the foundation of the proposed building and below grade parking garage. Approximately 21,000 cu. yds. would be excavated and removed from the site. Existing City code, Regulating the Kind and Classes of Traffic on Certain Streets (SMC 11.62) designates major truck streets which must be used for hauling and otherwise regulates truck traffic in the city. The proposal site has relatively direct access to both Highway 99 and Interstate 5 and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Traffic control would be regulated through the City's street use permit system, and a requirement for the contractor to meet all City regulations pertaining to the same. Temporary sidewalk or lane closures may be required during construction. Any temporary closures of sidewalks would require the diversion of pedestrians to other sidewalks. The timing and duration of these closures would be coordinated with SDOT to ensure minimal disruptions.

Compliance with Seattle's Street Use Ordinance administered by Seattle Department of Transportation (SDOT) is expected to mitigate any adverse impacts to traffic which would be generated during construction of this proposal and no further conditioning is necessary.

#### Long-Term Impacts – Use-Related Impacts

##### Traffic and Transportation

The revised Environmental Checklist includes a Transportation Impact Analysis prepared by Heffron Transportation Inc. The *Fourth & Denny Mixed-Use Redevelopment Transportation Impact Analysis*, dated December 24, 2011, was prepared and submitted in support of the project. This report evaluates existing traffic conditions in the study area, estimates the total amount of new traffic to be generated by this project, and evaluates the impact of these new trips on the level-of-service of intersections in the study area.

In project year 2014, the project is expected to generate 540 vehicle trips to the surrounding street system per day. As demonstrated in the traffic impact analysis, off-site traffic operations would be essentially unaffected by the proposed project. There would be, however, with the additional on-site parking, a focus of peak hour project-generated traffic at the intersection of the alley and Cedar Street. The Transportation Impact Analysis shows, however, that all movements to and from the alley would still operate at LOS (Level-of-Service) "B" or better. According to the Heffron study, the project is not expected to result in any adverse impacts to site access nor to local area traffic operations. As such, no traffic mitigation under SEPA is warranted or required.

##### Parking

The proposed development will provide 114 below ground parking spaces, which amounts to approximately 0.7 spaces for each residential unit. The Seattle Land Use Code does not require the residential uses in the project to provide any parking; retail uses under 7,500 sq. ft. are similarly not required to provide parking.

According to the Heffron Transportation, Inc. analysis, the proposed parking supply of 114 spaces is expected to adequately accommodate demand from residents. Some parking demand generated by the retail portion of the site or by visitors to local residents would likely occur at metered on-street spaces or in nearby pay lots. The project is not expected to result in significant adverse impacts to the local parking supply.

The project would remove existing parking currently used for KOMO 4 News fleet vehicles, KOMO employees, and reserved parking for the adjacent residential building. The vehicles currently parked on the site (13 to 18 vehicles were observed midday and evenings in November 2011) would be displaced to other parking in the area such as the Fisher Plaza Building (KOMO's headquarters), at several pay lots, or on street parking. The project is not expected to result in significant adverse impacts to the local parking supply. In any event, the City lacks SEPA authority to mitigate any impact of development on parking availability in the Downtown Urban Center. Due to the fact that no significant parking impact has been identified, and the City lacks any authority to mitigate had an impact been identified, no mitigation is warranted or required.

Height, Bulk, and Scale

The Downtown design guidelines are intended to mitigate height, bulk and scale impacts under SEPA. A project that is approved pursuant to the design review process is presumed to comply with the City's SEPA policies regarding height, bulk, and scale. Through the design and environmental review process, DPD has found no evidence that height, bulk or scale was not adequately addressed through the design review process and compliance with the design guidelines. As such, no additional mitigation regarding height, bulk and scale is warranted or required.

**DECISION – STATE ENVIRONMENTAL POLICY ACT (SEPA)**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

The proposed action is **APPROVED WITH CONDITIONS.**

**CONDITIONS – SEPA**

Prior to Issuance of any Construction, Shoring or Grading Permits

1. The applicant shall submit for review and approval a Construction Impact/ Noise Impact Management Plan, as referenced in the decision above, to the Department of Planning and Development. The plan shall identify management of construction activities and noise, including construction hours, worker parking, traffic issues and anticipated street, alley and sidewalk closures.

During Excavation, Demolition, and Construction

2. Debris and exposed areas shall be sprinkled as necessary to control dust; a truck wash and quarry spall areas shall be provided on-site prior to the construction vehicles exiting the site if scoop and dump excavation is not used; and truck loads and routes shall be monitored to minimize dust-related impacts. *Due to the small size of the site, an on-site truck wash and quarry spall may not be necessary or appropriate as the applicant may use "scoop and dump" excavation. This would entail using an excavator tractor to move excavated material to trucks queued along the street. If scoop and dump excavation is used, then a truck wash and quarry spall shall not be required.*



**CONDITIONS DESIGN REVIEW**

None.

Signature: (signature on file)

Date: March 29, 2012

Michael Dorcy, Senior Land Use Planner  
Department of Planning and Development

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